

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JULY 16, 1991**

The one thousand six hundred and twenty-eighth meeting of the Milwaukie City Council was called to order at 7:02 pm in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki,
Mayor
Roger Hall

Jean Schreiber
Chere' Sandusky
Bob Knudson

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Bill Monahan,
City Attorney
Chuck Mansfield,
Police Chief

Maggie Collins,
Community Development
Director
Tim Corbett,
Public Works Director
Pat DuVal,
Recorder/Executive
Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Friends of the Milwaukie Center - Annual Contribution

Kent Frutiger presented the City of Milwaukie with a check in the amount of \$10,000 on behalf of the Friends of the Milwaukie Center. He said this contribution was made to the City in support of direct services to the elderly at the Center. **Frutiger** said the Friends were requesting that \$5,000 support the Information and Referral Service and \$5,000 for In-Home Outreach Services.

Mayor Lomnicki and the Councilmembers thanked the Friends of the Milwaukie Center for their continued support of services to the elderly of the community.

National Night Out - Resolution

Charles Mansfield, Police Chief, presented the staff report in which the City Council was requested to adopt a resolution recognizing "National Night Out" in the City of Milwaukie.

Mansfield said the National Association of Town Watch, Crime Prevention Association of Oregon, and the City of Milwaukie were supporting this program to increase crime and drug prevention awareness. He said there was information available for those residents who were interested in participating in block parties or joining citizen programs. **Mansfield** said adoption of the resolution would affirm the City's commitment to police and community action programs.

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It was moved by Mayor Lomnicki and seconded by Councilmember Hall to adopt a resolution recognizing "National Night Out" in the City of Milwaukie. Mayor Lomnicki read the resolution in full. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson; no nays; no abstentions.

RESOLUTION NO. 26-1991:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RECOGNIZING "NATIONAL NIGHT OUT" IN THE CITY OF MILWAUKIE.

PUBLIC HEARING

None scheduled.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESSConsider Code and Ordinance Amendments Resulting from Ballot Measure 5 - second reading

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider the second reading and adoption of ordinances amending Municipal Code Chapters regarding charges for connection to sewer and water systems and amending the Economic Improvement District ordinance due to Ballot Measure 5 impacts. He said the ordinance was read for the first time by title only at the July 2, 1991 meeting.

Councilmember Knudson requested a copy of Ballot Measure 5 for the Council office.

It was moved by Councilmember Sandusky and seconded by Councilmember Hall to read the ordinance amending Chapter 13.04 of the Milwaukie Municipal Code pertaining to the Municipal Water System due to the impact of Ballot Measure 5 and declaring an emergency for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time.

It was moved by Councilmember Sandusky and seconded by Councilmember Hall to adopt the ordinance amending Chapter 13.04 of the Milwaukie Municipal Code pertaining to the Municipal Water System due to the impact of Ballot Measure 5 and declaring an emergency. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

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ORDINANCE NO. 1708:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 13.04 OF THE MILWAUKIE MUNICIPAL CODE PERTAINING TO THE MUNICIPAL WATER SYSTEM DUE TO THE IMPACT OF ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION (BALLOT MEASURE 5); AND DECLARING AN EMERGENCY.

It was moved by Councilmember Sandusky and seconded by Councilmember Schreiber to read the ordinance amending Chapter 13.12 of the Milwaukie Municipal Code pertaining to the Municipal Sewer System due to the impact of Ballot Measure 5 and declaring an emergency for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Sandusky and seconded Councilmember Schreiber to adopt the ordinance amending Chapter 13.12 of the Milwaukie Municipal Code pertaining to the Municipal Sewer System due to the impact of Ballot Measure 5 and declaring an emergency. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1709:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 13.12 OF THE MILWAUKIE MUNICIPAL CODE PERTAINING TO THE MUNICIPAL SEWER SYSTEM DUE TO THE IMPACT OF ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION (BALLOT MEASURE 5); AND DECLARING AN EMERGENCY.

It was moved by Councilmember Schreiber and seconded by Councilmember Hall to read the ordinance amending Ordinance No. 1704 pertaining to the Economic Improvement District by changing the collection cycle from a calendar year to a fiscal year due to the impact of Ballot Measure 5 and declaring an emergency for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Sandusky and seconded by Councilmember Schreiber to adopt the ordinance amending Ordinance No. 1704 pertaining to the Economic Improvement District by changing the collection cycle from a calendar year to a fiscal year due to the impact of Ballot Measure 5 and declaring an emergency. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson; no nays; no abstentions.

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ORDINANCE NO 1710:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1704 PERTAINING TO THE ECONOMIC IMPROVEMENT DISTRICT BY CHANGING THE COLLECTION CYCLE FROM A CALENDAR YEAR TO A FISCAL YEAR DUE TO THE IMPACT OF ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION (BALLOT MEASURE 5); AND DECLARING AN EMERGENCY.

Consider Revision to Management/Non-represented Salary Schedule - Resolution

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to approve and authorize the City Manager to implement through a City Manager Directive the City of Milwaukie 1991-92 Compensation Schedule and approve a resolution repealing Resolution No. 30-1990. She said this proposal was consistent with the 1989 Personnel Compensation Study. The Citizens Advisory Committee recommended that salaried employees be granted general increases consistent with other employees. According to the newly adopted Personnel Rules, this action can be implemented through City Manager Directive. The proposed resolution would repeal the 30-1990 which ratified and adopted a salary schedule for certain employees from July 1, 1990, through June 30, 1991.

It was moved by Councilmember Hall and seconded by Councilmember Schreiber to approve and authorize the City Manager to implement through City Manager Directive the City of Milwaukie Management/Non-represented employees 1991-92 salary schedule. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

Councilmember Hall and seconded by Councilmember Sandusky to approve a resolution repealing Resolution No. 30-1990 which ratified and adopted salary schedules from certain employees of the City for the period July 1, 1990, through June 30, 1991 through July 1, 1991. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson; no nays; no abstentions.

RESOLUTION NO. 27-1991:

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON, REPEALING RESOLUTION NUMBER 30-1990 RATIFYING AND ADOPTING SALARY SCHEDULES FOR CERTAIN EMPLOYEES OF THE CITY OF MILWAUKIE FOR THE PERIOD JULY 1, 1990, THROUGH JUNE 30, 1991.

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Report Results of City Manager Evaluation and Consider Compensation

Mayor Lomnicki presented the staff report in which the City Council was requested to consider 1991-92 City Manager compensation. He explained that the criteria used to evaluate the City Manager were those used in the hiring process. **Mayor Lomnicki** said there were no concerns with the City Manager's performance. He said Bartlett's strengths included Council, community, and intergovernmental relations. He added that the City of Milwaukie has gained credibility with the community and in the region through Bartlett's work.

Mayor Lomnicki said the City Manager's salary was judged on salaries of surrounding jurisdictions and the top of the department head salary range. The proposed increase to \$4642 per month would place Bartlett's salary 6.5% above the highest paid department head.

Councilmember Schreiber pointed out that this was still below the average City Manager salary of comparable cities. She also pointed out that the benefit package was not as good as for some cities.

Mayor Lomnicki said this percent of increase was a reflection of the City's financial status and not Bartlett's performance. He suggested another review in six months at which time his compensation would be considered again.

Councilmember Hall said that some citizens perceived that the City Manager was highly paid. Compared to other cities, Bartlett's salary was realistic to conservative.

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to accept the results of the City Manager's evaluation and consider 1991-92 compensation. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

Consider Civil Forfeiture Agreement with Clackamas County

Charles Mansfield, Police Chief, presented the staff report in which the City Council was requested to approve an intergovernmental civil forfeiture agreement between the City of Milwaukie and Clackamas County. This agreement refers to property seized, particularly in drug related incidents.

Councilmember Knudson asked what fees were charged. **Mansfield** said fees included the cost of County Counsel assisting in forfeiture actions such as the cost of legal notices.

It was moved by Councilmember Hall and seconded by Councilmember Knudson to authorize the signing of the intergovernmental civil forfeiture agreement between the City of Milwaukie and Clackamas County. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

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Consider Adopting System Development Charge Funds Project Plan - Resolution

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to consider a resolution adopting the Systems Development Charge Funds Project Plan. Ordinance No. 1707 provided that this type of resolution be adopted. He said a project plan was required in order to comply with state statutes. In order for Systems Development Charge funds to be spent, the project must be identified in a plan. As new projects are identified, documents will amend or be added to the plan.

Councilmember Schreiber asked the approval date of the Capital Improvement Plan. Bartlett said this date would be typed in the body of the resolution prior to its signing.

It was moved by Councilmember Sandusky and seconded by Councilmember Knudson to approve the resolution adopting the Systems Development Charge Funds Project Plan. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 28-1991:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILWAUKIE, OREGON, ADOPTING THE SYSTEMS
DEVELOPMENT CHARGE FUNDS PROJECT PLAN.**

Parks Master Plan and the Regional Parks District

Councilmember Schreiber said the Neighborhood Parks Advisory groups were working on a district plan. She recommended that the City of Milwaukie staff work with the Parks and Recreation Commission to prepare an updated Parks Master Plan section of the Comprehensive Plan by August or September.

Mayor Lomnicki said that City staff had been working on the project but had not presented it for Council adoption. He agreed that the parks projects should be identified and that requests for land acquisition and development be prepared.

Bartlett said this was in OTAK's work program. The Planning Commission had identified certain deficiencies in the proposed program and these were being reviewed.

Councilmember Schreiber urged that the City's Parks Master Plan be coordinated with the Parks District efforts.

CONSENT AGENDA

It was moved by Councilmember Sandusky and seconded by Councilmember Hall to adopt the Consent Agenda which consisted of the City Council minutes of July 2, 1991. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

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INFORMATION

Mayor Lomnicki said that he and other Councilmembers had received another anonymous letter. He said Council would not acknowledge such unsigned correspondence. Mayor Lomnicki announced that he and other Councilmembers were available to meet with residents or City employees during office hours on a confidential basis to discuss issues. Council agreed with the Mayor's comments on refusing to acknowledge unsigned correspondence.

Federal Grant Compliance

Bartlett discussed the *Report on Federal Grant Compliance*. He said there had been questioned costs relating to the use of CDBG funds in the Stanley Area Sewer project in 1990. Bartlett said the City of Milwaukie and Clackamas County had entered into a contract. The County had reimbursed the City's system development charges assessed to low-income property owners in the amount of \$20,744. It was the understanding that these charges were allowable. Bartlett said it was the City's position that it was the County's responsibility to inform the City of federal program requirements.

Bartlett pointed out that the agenda packet contained regional meeting information.

Metro Charter Committee

Mayor Lomnicki said that Councilmember Sandusky had attended the Metro Charter Committee public meeting at the Milwaukie Center. He congratulated her on her presentation of the Milwaukie City Council's opinion on the issue.

Councilmember Sandusky said the City Council and staff had prepared a cohesive statement of the City's position.

Councilmember Schreiber said she believed that the Council's ability to agree was due to the fact that the members discussed the facts presented and were able to take a united position on an issue.

Councilmembers discussed the regional committees with which they were involved.

Councilmember Hall agreed that the Councilors evaluated information during the work session and were able to make unanimous decisions.

Brookside Drive

Mayor Lomnicki said City staff was responding to concerns of the neighbors in the Brookside Drive area regarding drainage.

Bartlett said that heavier rainfall had increased citizens' expectations that the City deal with neighborhood drainage problems. The City's storm drainage program was adopted in 1970 and nothing had actually been done. Bartlett said that storm water management was a regional issue in which the City was involved. He said City staff would be preparing work session information on this topic in order to better meet residents' demands.

Mayor Lomnicki announced that the Council would meet in an executive session to discuss labor relations pursuant to ORS 192.660(1)(d).

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Mayor Lomnicki adjourned the meeting at 8:03 pm.

Pat DuVal

Pat DuVal, Recorder/Executive Secretary

EXECUTIVE SESSION

Mayor Lomnicki called the Council into Executive Session under ORS 192.660 to consider labor relations. In addition to the Council, Dan Bartlett, City Manager, and Charlene Richards, Assistant to the City Manager, attended.

Richards used a flip chart to review the outstanding issues with MEA and MPEA. She explained the mediation process and her expectations.

The meeting was adjourned at 8:50 pm.

Dan Bartlett

Dan Bartlett, City Manager